IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11990 of 2005

Between:

N.Mallikarjuna Rao, S/o.Venkata Subbaiah,
Unnathi Jr. College, Kompalli Village,
Medchal Mandal, Ranga Reddy District.

..... PETITIONER

AND

The Controller of Examinations ,
Nagarjuna University, Guntur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to may be pleased to issue a writ or direction more particularly one in the nature of writ of mandamus declaring action of the respondent in rejecting the application for grant of permission for appearing for the backlog paper i.e IV & V papers in the first year is illegal, arbitrary and contrary to principles of natural justice and direct the 1st respondent to accord permission to appear in IV & V papers of first year M.A. the examinations and grant such other relief or reliefs as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.KUNUKUDURGAPRASAD

Counsel for the Respondent: MR.T.S.HARNATH

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner for issuance of a writ of *mandamus* declaring the action of the respondent in rejecting his application for grant of permission for appearing backlog papers i.e., IV &V papers in the first year of M.A. History in Nagarjuna University, as illegal and contrary to the principles of natural justice and to consequently direct the respondent to permit him to appear for the above two papers.

2. According to the petitioner, he was permitted to study M.A. History as a private candidate from Nagarjuna University from the year 1991. He appeared for the first year examinations in May 1991, 1993 and 1994 and passed first three papers leaving backlog papers IV and V. He appeared for the final year examination in the year 1993-94 and passed all the subjects. Thereafter, he did not register for any subsequent years for completion of the first year IV & V papers. According to him, there is no time limit for the private candidates for completion of the course. Therefore, the rejection of his application by the respondent is illegal and without jurisdiction.

3. At the time of hearing, the learned counsel for the petitioner has fairly conceded that as per the rule introduced in the year 2001, one has to complete the course within five years by passing all the papers and further stated that the petitioner being a handicapped person could not appear and complete all the papers. The domestic problem of the petitioner had also interfered with his studies and therefore, he could not avail the exempted period that was available to him. However, the learned counsel sought for a direction to the respondent to give one more chance to the

petitioner to appear and complete the backlog papers.

4. On the other hand, the learned counsel appearing for the respondent opposed the contention as there are no rules allowing the petitioner to appear for the examination after ten or twelve years of his first appearance to the first year papers. He also contended that in fact exemption was extended for a period of two years beyond the original period of five years, but the petitioner did not avail the same. Therefore, the petitioner is not entitled for any relief.

5. Heard both sides and considered the material available on record.

6. Admittedly, the petitioner did not complete the course i.e., M.A. History within the time fixed under the rules and he approached the respondent-authority seeking permission to appear for the backlog papers IV & V, only after ten years, which was not considered by the respondent. As the claim made by the petitioner is not in accordance with the rules, he is not entitled to any relief. Hence, this Court cannot show any indulgence.

7. Under the above circumstances, the writ petition is dismissed at the admission stage.

_____

S.Ananda Reddy, J

Date: 16.06.2005

va

To

1. The Controller of Examinations ,
Nagarjuna University, Guntur.

2. Two CD Copies